

CONNECTICUT SENTENCING COMMISSION

Legislative Committee Meeting

Wednesday, September 5, 2012

10:00 a.m.

Legislative Office Building, Hearing Room 2B

Hartford, CT

Members Present: *Hon. David Borden (Committee Chair), Hakima Bey-Coon (Representing Michelle Cruz), William Carbone, Susan Storey, Alex Tsarkov*

Also Participating: *Andrew Clark (Acting Executive Director), Jason DePatie, Dr. Robert Painter*

Public Attendees: *Deborah Fuller, LaResse Harvey, Linda Meyer, David Norman, Amy O'Connor, Deborah Del Prete Sullivan*

MINUTES

I. MEETING CONVENED

Judge Borden called the meeting to order at approximately 10:18 a.m.

II. APPROVAL OF THE MINUTES FROM THE MEETING OF NOVEMBER 29, 2011

Upon a duly made and seconded motion, the minutes were **approved by a unanimous voice vote.**

III. OLD BUSINESS

A. Certificates of Relief from Barriers

The committee agreed to re-initialize the working group which developed the Sentencing Commission's Certificates of Relief from Barriers legislation. Although the bill was not passed by the General Assembly due to time constraints, the committee recognized this as an opportunity to rework its recommendation to address remaining issues.

B. Bill addressing kidnapping and sexual assault

Judge Borden explained that no further action is needed on this bill and the original language will be resubmitted to the Judiciary Committee for the General Assembly's 2013 session.

IV. JUDICIARY CO-CHAIR'S LETTER & DRUG FREE SCHOOL ZONES

Judge Borden reminded the committee that Senator Coleman and Representative Fox, the Judiciary Co-Chairs, sent a letter to Judge Shortall in June requesting the Sentencing

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Commission explore drug-free school zones. Alex Tsarkov elaborated on this request, explaining that this is an issue that has been raised for the past few years and the co-chairs are particularly interested in the effectiveness of drug-free school zone laws and how they are applied.

A working group was formed to explore the issue of drug-free school zones and make recommendations to the committee. Members included: Alex Tsarkov, Andrew Clark, Susan Storey (or a representative of the Division of Public Defender Services), Dr. Robert Painter, LaResse Harvey, and George DeVarennnes. It was also decided that Judge Borden would reach out to Kevin Kane since the Office of the Chief States' Attorney will be an important part of this discussion.

V. PRESENTATION ON DRUG-FREE SCHOOL ZONES (DR. ROBERT PAINTER)

A copy of Dr. Painter's "Review of Drug-Free School Zones" is available on the Sentencing Commission's website (<http://www.ct.gov/opm/csc>) under the Legislative Committee's September 5, 2012 meeting.

VI. SUPREME COURT DECISION IN MILLER v. ALABAMA

Judge Borden reminded the committee that in July a memo was circulated addressing the U.S. Supreme Court's decision in Miller v. Alabama. The Legislative Committee will be examining this case to determine the extent of the court's reasoning for juveniles who receive a sentence of life without the possibility of parole.

VII. SENTENCING COMMISSION PUBLIC HEARING PROCESS

Judge Borden asked the committee for feedback regarding the Sentencing Commission's public hearing process which Andrew Clark explained would probably mirror legislative public hearings. He asked for committee members to contact him with any ideas.

VIII. ARSON MURDER STATUTE

Kevin Kane requested via e-mail that the Legislative Committee take a look at inconsistencies in the Connecticut's arson murder statute.

IX. OTHER BUSINESS

No other business was discussed.

X. MEETING ADJOURNED

Meeting adjourned at 10:48 a.m.